

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

*[continued from 04/12/05]*

**SUBJECT:** Jackson Street Rezone from R-1 to R-2

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Michael Rumer <sup>MR</sup> **EXT.** 7398

**Agenda Date** 05/10/05 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☒ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. DENY the request for rezoning from R-1 (Single-family Dwelling) to R-2 (One and Two-family Dwelling District) on approximately 0.21 acres, located on the west side of Jackson Street (Forrest Jackson, applicant); or
2. Enact an Ordinance to APPROVE the request for rezoning from R-1 (Single-family Dwelling) to R-2 (One and Two-family Dwelling) on approximately 0.21 acres, located on the west side of Jackson Street (Forrest Jackson, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Michael Rumer, Planner)

**BACKGROUND:**

*[This item was continued from 04/12/05 to 05/10/05 at the request of the Board to allow the applicant and Seminole County Planning staff to meet with the property owners and the residents of Haymans and Granada South subdivisions to discuss the proposal. Results of the neighborhood meeting will be presented at the hearing.]*

The applicant, Forrest Jackson, is requesting to rezone his property (approximately 0.21 acres), located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 (between Teakwood Lane & Basewood Lane) from R-1 to R-2 to accommodate a duplex. The subject property is currently zoned R-1 and has a future land use designation of MDR (Medium Density Residential) which permits the proposed R-2 zoning classification.

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the requested R-2 zoning classification. Please see attached staff analysis.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2005, and voted 6 to 1 to recommend APPROVAL of the requested rezone from R-1 to R-2.

Reviewed by:	<i>KIR</i>
Co Atty:	
DFS:	
OTHER:	<i>[Signature]</i>
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>ph130pdp09</u>

## JACKSON STREET REZONE R-1 TO R-2

REQUEST INFORMATION		
APPLICANT	Forrest Jackson	
PROPERTY OWNER	Forrest Jackson	
REQUEST	Rezone property from R-1 (Single-family Dwelling District) to R-2 (One and Two- family Dwelling District)	
HEARING DATE (S)	P&Z: March 2, 2005	BCC: May 10, 2005
PARCEL ID	07-21-30-513-0000-0070	
LOCATION	The west side of Jackson Street	
FUTURE LAND USE	Medium Density Residential	
FILE NUMBER	Z2005-001	
COMMISSION DISTRICT	#4 – Henley	

### OVERVIEW

**Zoning Request:** The applicant, Forrest Jackson, is requesting to rezone his property (approximately 0.21 acres), located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 (between Teakwood Lane & Basewood Lane), from R-1 to R-2 to accommodate a duplex. The subject property was created by a platted subdivision known as Hayman Addition No.2 (Please see a copy of the recorded plat enclosed). The plat was recorded in 1926 with the majority of the lots being 50 feet by 125 feet. The property is currently zoned R-1 and has a future land use designation of MDR, which allows the proposed R-2 zoning classification.

North of the subject parcel is a vacant residential lot zoned R-1. To the east, west & south of the parcel are residential lots with single-family homes zoned R-1. The existing R-1 designation allows for one single-family dwelling on a minimum lot size of 8,400 s.f. with 70 feet of lot width. The requested R-2 zoning permits one and two-family dwellings on a minimum 9,000 square foot lot. The subject parcel is approximately 75 feet wide, which is consistent with the minimum parcel width in the R-2 zoning district of 75 feet.

### Existing Land Uses:

(North)			
(West)	<b>MDR</b> Single-family Residential <i>R-1</i>	<b>MDR</b> Vacant <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
	<b>MDR</b> Single-family Residential, Church <i>R-1</i>	<b>MDR</b> <b>(SUBJECT PROPERTY)</b> Vacant <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
	<b>MDR</b> Single-family Residential, Church <i>R-1</i>	<b>MDR</b> Single-family Residential <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
(South)			(East)

\***Bold** text depicts future land use designation and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

### SITE ANALYSIS

#### Facilities and Services:

The proposed zoning district is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan. Seminole County does not provide water and sewer in this area. Water will be provided by the City of Altamonte Springs. The City of Casselberry is the wastewater utility provider for this area. Because the sewer line does not abut the property line per F.S. 381.0065 (2)(a)(1), the applicant is not required to connect. The subject parcel meets the conditions of F.S. 381.0065 (8)(g)(2), which allows for on-site septic service. The Health Department is responsible for permitting septic systems.

#### Transportation / Traffic:

Access is available to the site from Jackson Street. The proposed R-2 zoning allows a slightly higher density than the R-1 zoning designation and a duplex will have a slightly higher trip generation than a single-family house.

#### Compliance with Environmental Regulations:

There are no concerns regarding compliance with environmental regulations.

### **Compatibility with Surrounding Development:**

Existing properties in the area consist of MDR future land use designation to the west of Jackson Street and LDR (Low Density Residential) future land use designation to the east, as shown on the attached Future Land Use Maps. While MDR allows two-family dwelling development, the trend of development along Jackson Street is for single-family. The nearest two-family development is located approximately three hundred and thirty feet south of the subject property at the southwest corner of Jackson Street and Merritt Drive. Staff believes the proposal is incompatible with the development trend of the surrounding neighborhood.

### **Intergovernmental Notice:**

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent to the City of Casselberry and the City of Altamonte Springs on February 16, 2005.

### ***STAFF RECOMMENDATION***

Based upon the above findings of incompatibility, staff recommends denial of the request to rezone the subject property from R-1 to R-2.

### **PLANNING AND ZONING BOARD RECOMMENDATION:**

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2005 and voted 6 to 1 to recommend APPROVAL of the requested rezone from R-1 to R-2.

### **Attachments:**

Ordinance  
Planning and Zoning Commission Minutes  
Plat  
FLU Map  
Zoning Map  
Aerial Map  
Color Maps depicting vacant & homesteaded parcels

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 ZONING CLASSIFICATION THE R-2 ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Jackson Street Rezone from R-1 to R-2.

(b) The Board hereby determines that the Economic Impact Statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-1 to R-2:

**Leg N ½ of Lot 7 & all of Lot 8 Hayman Addition No. 2 PB 5 Page 7**

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department.

ENACTED this 10th day of May 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley  
Chairman

**MINUTES FOR THE SEMINOLE COUNTY**  
**LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

***WEDNESDAY, MARCH 2, 2005***

**Members present:** Matt Brown, Richard Harris, Beth Hattaway, Chris Dorworth, Ben Tucker, Walt Eismann, and Dudley Bates.

**Also present:** Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Cynthia Sweet, Planner; Rebecca Hammock, Principal Planner; Denny Gibbs, Planner; Michael Rumer, Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

- D. Jackson Street Rezone; Forrest Jackson, Applicant;** approximately .21 acres; Rezone from R-1(Single Family Residential) to R-2 (Multi-Family Residential District); located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 in Altamonte Springs. (Z2005-001)

Commissioner Henley – District 4  
Michael Rumer, Planner

Michael Rumer introduced the request by Forrest Jackson to rezone from R-1 (Single Family Dwelling District) to R-2 (Multi-family Dwelling District). Mr. Rumer stated that the surrounding properties are zoned R-1. The nearest R-2 parcel is 330 feet away. The trend of development in the neighborhood is single family dwellings. Staff recommendation is for denial.

Quentin Freeman spoke on behalf of his grandfather, stating that Mr. Jackson has owned the property for 20 years. Surrounding is vacant or rundown properties. This building will be an enhancement to the neighborhood. There is multi-family use only 300 feet away. Mr. Freeman stated that this is a double lot. Family members may be living here.

Commissioner Tucker asked if the building will be used for renters.

Mr. Freeman stated that he lives in Orlando, but that he could be moving there.

Commissioner Brown asked how many other duplex units were in the neighborhood.

Mr. Freeman stated that there are at least 4 duplexes in the area.

Commissioner Hattaway stated that she had visited the site. There is multi-family usage in the area. The request is reasonable.

Commissioner Eismann asked if the requested use will meet the Land Development Code criteria.

Mr. Rumer stated that it would. The code calls for a minimum of 1,400 square feet dwelling space, with 700 square meet minimum per side.

Mr. Freeman showed a diagram of the potential house.

No one spoke from the audience.

Commissioner Harris questioned the logic in recommending denial of this project.

Mr. Rumer explained that the plat has 50-foot lots which allows R-1BB (Single Family Dwelling District) zoning. This would be putting R-2 (Multi-family Dwelling District) zoning in the middle of single family zoning. Allowing R-2 zoning here would change the trend of development.

Commissioner Tucker stated that the map of homesteaded lots indicates owner-occupied single family dwellings in the area. Rental units and homesteaded single family homes tend to have a difference. There is a pride of ownership. The homes are older homes. There are single family detached homes to the east. Vacant lots will become duplexes. We will be opening up a string of rental properties if we approve this request.

Commissioner Dorworth disagreed. He stated that there is a community feeling here. The duplex would not diminish the neighborhood.

**Commissioner Dorworth made a motion to recommend approval.**

**Commissioner Harris seconded the motion.**

Commissioner Tucker stated that this will have an adverse impact.

**The motion passed by a vote of 6 – 1 with Chairman Tucker dissenting.**



# HAYMAN ADDITION NO.2

SEMINOLE COUNTY FLORIDA  
ALTAMONTE SPRINGS FLORIDA

SCALE: 1-INCH = 60 FEET.  
DATE: APRIL 1926.

## DESCRIPTION

Beginning at the S.E. Corner of S.M. 1/4 of S.E. 1/4, Section 7 T. 21 S., R. 30 E. Run North 1035.2 Feet to A.C.L. R.R. Right of Way, thence South Westerly along said right of way 209.6 feet, thence South 085.1 feet, thence East 150 feet to Point of Beginning. A part of Lots 18 & 19 of Annie E. Griffiths Subdivision according to plat book No. 2 page 43 of the public records of Seminole County, Florida.

PAGE ENGINEERING CO.  
ORLANDO FLA.

## OWNER'S CERTIFICATE

State of Florida: County of Seminole:  
Know all men by these presents: That we William H. Hayman and Ida Hayman his wife, owners of the land described in the caption do hereby accept this plat and do hereby dedicate to the use of the public all streets and alleys and parks, shown as such on this plat.  
Witness our hands and seals this 2nd day of April, A.D. 1926.  
Wm. H. Hayman (owner)  
Ida Hayman (owner)  
Ida Hayman (witness)

State of Florida: County of Seminole:

Personally appeared before me William H. Hayman, and Ida Hayman his wife, who acknowledged that they executed the foregoing instrument for the purposes therein set forth. Also upon private examination taken apart from her husband, Ida Hayman wife of said William H. Hayman, did further acknowledge that she executed the foregoing instrument freely and voluntarily and without compulsion, restraint, apprehension or fear of or from her said husband.  
Witness my hand and official seal this 2nd day of April, A.D. 1926.

My commission expires April 8th 1929

Wm. H. Hayman (owner)  
Ida Hayman (owner)

## ENGINEER'S CERTIFICATE

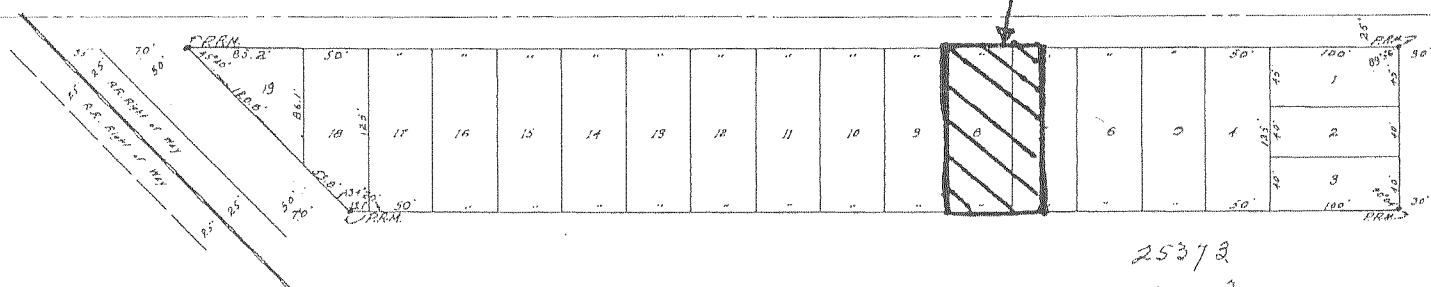
Examined and approved by City Zoning Commission of the City of Altamonte Springs, County of Seminole, State of Florida this 15th day of April, A.D. 1926.  
Frank J. Patterson (Chairman)

State of Florida: County of Orange:  
We the Page Engineering Co. who made this map do hereby certify that this is a correct representation of the land platted and that permanent reference monuments have been placed as called for by the laws of the State of Florida regulating the making of surveys and filing for record of maps and plats.

Page Eng'g. Co.  
by Wm. Page  
Reg. Civil En. 951

Approved by the Board of County Commissioners of Seminole County Florida: this 14th day of May, A.D. 1926.  
W. E. Douglass by E. M. Wickett, Sec.

## Location

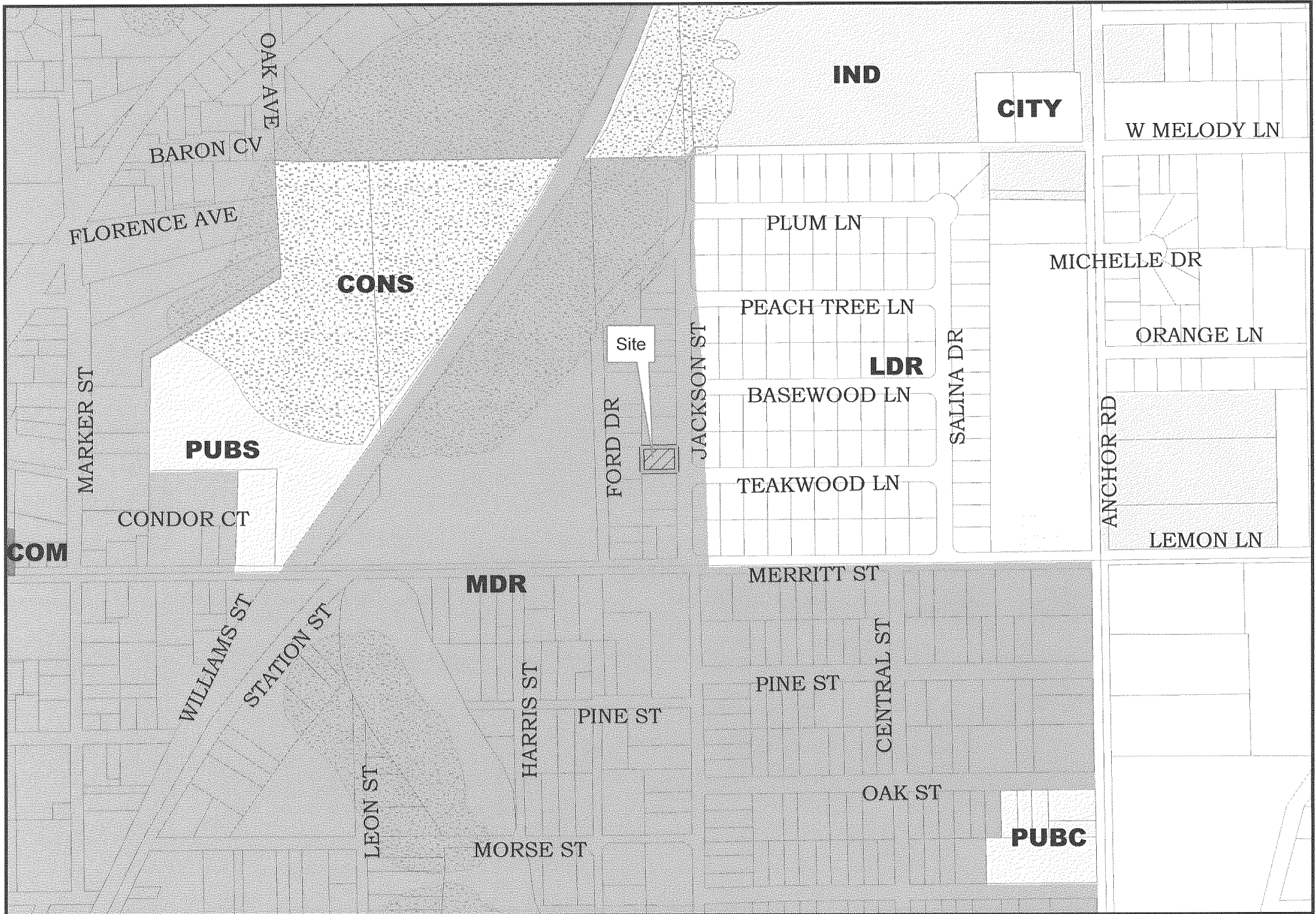


N — PAGE ENGR. CO. —

25372

Filed this 24th day of May, 1926, at 2:20 P.M.  
and recorded in Plat 7  
Book No. 5 Page 7  
of the Public Records of Seminole County, Florida this 24th day of May, A.D. 1926.  
E. M. Wickett  
Clerk Circuit Court  
By A. M. Wickett

Field-Sandstrom,  
Office-Blackburn,  
Circuit-C.H.D.









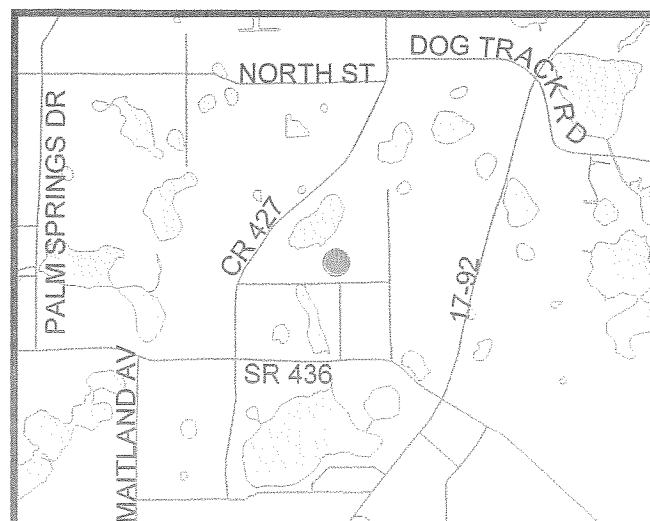


Rezone No: Z2005-001  
 From: R-1 To: R-2

-  Parcel
-  Subject Property



January 2005 Color Aerials





# VACANT LAND (IN GREEN)



(IN GREEN)

